Minneapolis Charter Commission Minutes

March 6, 2013 - 4:00 p.m. Room 317 City Hall, Minneapolis, Minnesota

Commissioners Present: Clegg (Chair), Cohen, Ferrara, Gerdes, Johnson, Lickness, Peltola, Rice,

Schwarzkopf

Commissioners Excused: Connell, Dolan, Kozak, Metge, Rubenstein, Sandberg

Also Present: Burt Osborne, Assistant City Attorney

1. Roll Call

Chair Clegg called the meeting to order at 4:00 p.m. Roll call was taken.

2. Adopt Agenda

Ferrara moved to amend the agenda to take up consideration of Items 7 and 8 prior to other agenda items. Seconded.

The agenda, as amended, was adopted upon a voice vote. Johnson recorded as voting "no". Absent - Connell, Dolan, Kozak, Metge, Rubenstein, Sandberg.

3. Approve minutes of regular meeting of February 6, 2013

Gerdes moved approval of the minutes of the meeting of February 6, 2013. Seconded. Adopted upon a voice vote.

Absent - Connell, Dolan, Kozak, Metge, Rubenstein, Sandberg.

4. Chair's Report

Clegg requested that Commissioners interested in serving on the Plain Language Charter Education and Outreach Committee remain after the meeting to determine a mutually convenient time to meet.

Discussion

7. Ethics Training Q&A

Susan Trammell, Assistant City Attorney/City Ethics Officer, was present and summarized the requirements of the City's Ethics Ordinance as well as her duties as the City's Ethics Officer. The Ethical Practices Board has decided not to pursue any changes to the Ethics Ordinance until the state has completed their review of Minnesota Statute 10A.07, Conflicts of Interest, in order to keep the city's ethics language similar to, if not the same as, the state's language. Each year the Ethics Officer Annual Report is submitted to the City Council, and previous reports are available on-line. She urged Commissioners to contact her with any questions.

8. Robert's Rules of Order

Materials were distributed entitled "Parliamentary Law in Real-Life Meetings" by Brian Melendez. Mr. Melendez covered basic principles of parliamentary procedure.

Johnson stated that she would have appreciated the materials being linked when the agenda was originally posted in order to review the materials prior to the meeting.

Referred by City Council 2/22/2013

5. Proposed Charter Amendment:

Subject matter of an ordinance amending Chapter 2, Section 13 of the Minneapolis City Charter relating to *Officers - Elections: Filing for Election*, specifying the filing fee for candidates for election at any city election.

The following proposed amendment was referred to the Charter Commission by the City Council:

Section 13. Filing for Election. (a) All candidates for election at any city election shall file their affidavit for such election and pay their fee therefor, in the same manner as provided in the general election laws of the State of Minnesota, except only that such filing shall be made with, and such fee paid to the City Clerk instead of the County Auditor.

- (b) The fee for filing an application or affidavit of candidacy for city office is based on the office to which the candidate seeks election as follows:
 - 1. Mayor \$500
 - 2. Council Member \$250
 - 3. Board of Estimate and Taxation Member \$20
 - 4. Park and Recreation Commissioner \$50.

The candidate is not required to pay the specified filing fee if the candidate files a petition or if a nominating petition is filed on behalf of the candidate and the petition meets the requirements of applicable Minnesota law.

Schwarzkopf moved approval of the proposed amendment, as referred to the Charter Commission by the City Council. Seconded.

Prior to leaving the Charter Commission meeting to attend a Planning Commission meeting, Commissioner Cohen read a prepared statement regarding the proposed filing fee amendment. He spoke in favor of raising the filing fees no higher than \$100 for mayoral candidates to allow more individuals to run and help push against the over-reaching of major party candidates.

Clegg suggested adding the following language to the proposed amendment rather than placing fixed fees in the Charter: "Filing fees in this section will be adjusted at the beginning of each year ending in zero to reflect changes in the cost of living since the prior adjustment, rounded to the nearest ten dollars, all as determined by the City Council." He had discussed the suggested language with Council Member Gordon, the author of the proposed amendment, who supported the language and also conveyed that he was flexible as to the amount of the filing fees.

In response to questions, Casey Carl, City Clerk, stated that Joe Mansky, Ramsey County Director of Elections, had updated the filing fees in St. Paul to \$500 for mayor and \$250 for city council by using cost of living increases since 1967 when the fee was originally set at \$20.

Schwarzkopf moved to add to his motion the following language to be inserted prior to the last sentence in the proposed amendment: "Filing fees in this section will be adjusted at the beginning of each year ending in zero to reflect changes in the cost of living since the prior adjustment, rounded to the nearest ten dollars, all as determined by the City Council". Seconded.

Adopted upon a voice vote.

Declining to Vote - Rice. Johnson recorded as voting "no".

Absent - Cohen, Connell, Dolan, Kozak, Metge, Rubenstein, Sandberg.

Schwarzkopf moved to amend his motion to modify the proposed filing fees as follows:

Mayor \$500 \$250

Council Member \$250 \$100

Board of Estimate and Taxation Member \$20

Park and Recreation Commissioner \$50. Seconded.

Johnson spoke against the motion. It was her position that if the fees are being raised, they should be raised across the board.

Ferrara spoke in favor of the motion to decrease the proposed fees and thought it was a reasonable adjustment because of the timing of the request.

Schwarzkopf's amendment to the filing fees was adopted upon a voice vote.

Declining to Vote - Rice. Johnson recorded as voting "no".

Absent - Cohen, Connell, Dolan, Kozak, Metge, Rubenstein, Sandberg.

Johnson moved to amend Schwarzkopf's motion to modify the proposed filing fees as follows: Mayor \$250 \$200

City Council \$100

Board of Estimate and Taxation \$20 \$30

Park and Recreation Commissioner \$50. Seconded.

The Johnson amendment lost upon a voice vote.

Absent - Cohen, Connell, Dolan, Kozak, Metge, Rubenstein, Sandberg.

The Commission proceeded to discuss the main motion, as amended, to read as follows (Charter Commission amendments in red):

Section 13. Filing for Election. (a) All candidates for election at any city election shall file their affidavit for such election and pay their fee therefor, in the same manner as provided in the general election laws of the State of Minnesota, except only that such filing shall be made with, and such fee paid to the City Clerk instead of the County Auditor.

- (b) The fee for filing an application or affidavit of candidacy for city office is based on the office to which the candidate seeks election as follows:
 - 1. Mayor \$500 \$250
 - 2. Council Member \$250 \$100
 - 3. Board of Estimate and Taxation Member \$20
 - 4. Park and Recreation Commissioner \$50.

Filing fees in this section will be adjusted at the beginning of each year ending in zero to reflect changes in the cost of living since the prior adjustment, rounded to the nearest ten dollars, all as determined by the City Council. The candidate is not required to pay the specified filing fee if the candidate files a petition or if a nominating petition is filed on behalf of the candidate and the petition meets the requirements of applicable Minnesota law.

Rice stated that he was in favor of a modest increase in fees, but not eight months before an election with candidates who have already entered the race. He also expressed concern with the term "serious candidates" as used in the description of the proposal. The amendment should not be made with the intent to discourage candidates from running for office.

Peltola suggested a provision could be added that the amendment not take effect until after the 2013 municipal election.

Ferrara spoke in favor of the motion. It is reasonable after almost 50 years to raise the fee to file a form. The fee is a minor consideration for someone running for office.

Johnson spoke in opposition based on the memo stating that the purpose of the increase is to weed out frivolous candidates. Everyone has the right to run. The fee is not the issue; it is the spirit in which the increase was proposed.

Schwarzkopf spoke in favor. Because of the use of Ranked Choice Voting (RCV), there are more candidates and it takes longer and costs more money to count ballots. One way to decrease costs is to have less people file for office.

Schwarzkopf's motion was adopted for referral back to the City Council.

Yeas - Ferrara, Lickness, Peltola, Schwarzkopf, Clegg.

Navs - Gerdes, Johnson, Rice,

Absent - Cohen, Connell, Dolan, Kozak, Metge, Rubenstein, Sandberg.

Discussion

6. Plain Language Charter Revision:

Clegg stated that Park Board counsel and the City Attorney's Office had agreed on changes to the Plain Language Charter. Those changes will be incorporated into the document and brought before the Commission at a future meeting.

Public Commentary

There was no one present wishing to address the Charter Commission.

Ferrara moved to adjourn. Seconded.

Adopted upon a voice vote.

Absent - Cohen, Connell, Dolan, Kozak, Metge, Rubenstein, Sandberg.

The meeting was adjourned at 5:17 p.m.

Submitted by: Peggy Menshek, Charter Commission Coordinator